

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
AT STATESVILLE**

**CASE FOODS, INC., CASE FARMS
PROCESSING, INC., (f/k/a CASE FARMS
OF NORTH CAROLINA, INC., and CASE
FARMS, LLC,**

Plaintiff,

vs.

**LUMBERMENS MUTUAL CASUALTY
COMPANY and DIVERSIFIED
INSURANCE INDUSTRIES, INC.,**

Defendants.

CIVIL ACTION NO. 5:05-CV-48

AGREED ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court, as evidenced by the signatures of the undersigned counsel respectively, that Plaintiff Case Foods, Inc., Plaintiff Case Farms Processing, Inc. f/k/a Case Farms of North Carolina, Inc., Plaintiff Case Farms, LLC (collectively "the Plaintiffs"), Defendant/Cross-Claimant Diversified Insurance Industries, Inc. ("Diversified"), and Defendant/Cross-Defendant Lumbermens Mutual Casualty Company ("Lumbermens") have resolved all matters and controversy between them. To that end, (1) the Plaintiffs have each agreed to dismiss their Complaint against Diversified and Lumbermens with prejudice and (2) Diversified has agreed to dismiss its Cross-Complaint against Lumbermens with prejudice.

It is therefore **ORDERED** and **DECREED**:

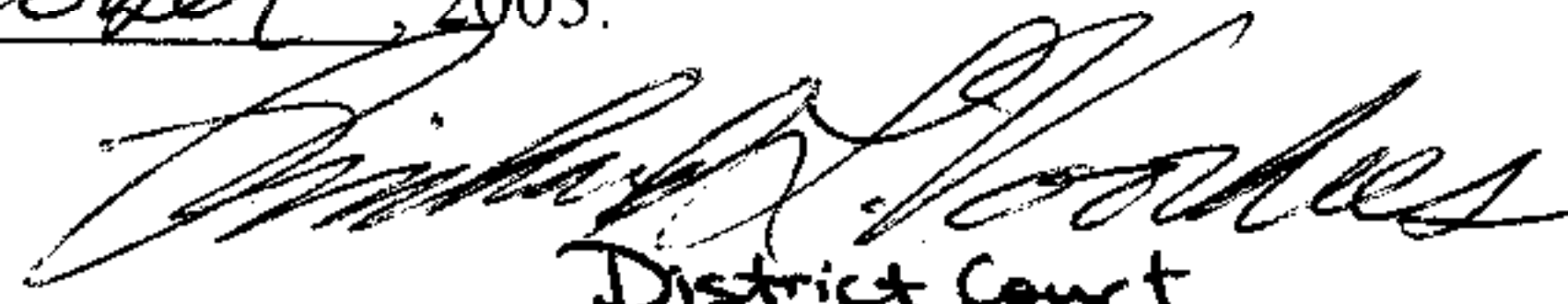
1. That the Plaintiffs' Complaint against Diversified and Lumbermens is

hereby dismissed with prejudice;

2. That Diversified's Cross-Claim against Lumbermens Mutual Casualty Company is hereby dismissed with prejudice; and

3. That each party will bear its own discretionary costs.

ENTER this 31st day of October, 2005.


District Court
Honorable ~~Magistrate~~ Judge

APPROVED FOR ENTRY:

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